

EXHIBIT 6

CONFIDENTIAL

1

CONFIDENTIAL - ATTORNEYS' EYES ONLY

1

VOLUME: I

2

PAGES: 1-191

3

EXHIBITS: 115-132

4

5

UNITED STATES DISTRICT COURT

6

SOUTHERN DISTRICT OF CALIFORNIA

7

8

-----x
9 GEN-PROBE INCORPORATED,

10

Plaintiff,

11

v.

C.A. No.

12

VYSIS, INC.,

99CV2668 H (AJB)

13

Defendant.

14

-----x

15

CONFIDENTIAL - ATTORNEYS' EYES ONLY

16

17

DEPOSITION of JAMES C. RICHARDS

18

March 30, 2001

19

9:51 a.m.

20

Westin Hotel

21

70 Third Avenue

22

Waltham, Massachusetts

23

24

Reporter: Michael D. O'Connor, RPR

Ex. 6 Pg. 65

MANHATTAN REPORTING CORP.
(212) 557-7400

CONFIDENTIAL - ATTORNEYS' EYES ONLY

1 Gene-Trak deal.

2 Q. Do you remember that the first article
3 on PCR was published in "Nature" in about
4 December, 1985?

5 A. No, I don't remember that.

6 Q. When the first article describing PCR
7 was published, was it big news?

8 A. Yes.

9 Q. After that article was published, did
10 other people in the industry outside Cetus begin
11 looking for alternative ways to do the same
12 thing?

13 MR. BANKS: Objection to form.

14 A. Do I know if they were?

15 Q. Right.

16 A. I don't know.

17 Q. Do you know whether Amoco started to
18 think about what it could do that would be
19 similar to PCR?

20 A. Amoco owned 25 percent of Cetus at
21 that time, and discussions were running around
22 should we take a license to this, because we
23 owned 25 percent of the company, and that was
24 the extent of the discussion, and that was way

CONFIDENTIAL - ATTORNEYS' EYES ONLY

- 1 A. vaguely, yes.
- 2 Q. Did Gene-Trak ever negotiate for a PCR
- 3 license?
- 4 A. we are back too column 1?
- 5 Q. Yes.
- 6 A. Yes. Negotiate. we talked to the
- 7 owners.
- 8 Q. Did Gene-Trak ever take a PCR license?
- 9 A. No.
- 10 Q. Why?
- 11 A. Couldn't get it. They wouldn't grant
- 12 it.
- 13 Q. So Gene-Trak sought a license from
- 14 Cetus, but Cetus wouldn't give you one?
- 15 A. Correct.
- 16 Q. Did Gene-Trak ever seek a license from
- 17 Stanford of the polymerase method being
- 18 developed at Stanford while you were there?
- 19 A. I don't remember.
- 20 Q. The fourth method of amplification
- 21 described or summarized on this chart is a
- 22 nonspecific primer method. Do you see that?
- 23 A. Yes.
- 24 Q. And the owner of that method is

MANHATTAN REPORTING CORP.
(212) 557-7400

Ex. 6 Pg. 63